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*Attorneys for Plaintiff Sandoz Inc.*

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**

SANDOZ INC.,

Plaintiff,

v.

AMGEN INC.,

Defendant.

Case No. 2:22-cv-05326-RGK-MAR

**OMNIBUS DECLARATION OF  
TODD BENOFF IN SUPPORT OF  
PLAINTIFF SANDOZ INC.'S  
MOTIONS IN LIMINE NOS. 1-3**

Date: August 8, 2023

Time: 9:00 a.m.

Place: Courtroom 850

1 I, Todd Benoff, declare as follows:

2 1. I am a member of the California State Bar and the bar of this court. I am a  
3 partner in the law firm of Alston & Bird LLP and counsel of record to Plaintiff Sandoz  
4 Inc. (“Sandoz”) in this action. I have personal knowledge of the facts set forth herein  
5 and, except as otherwise stated, could testify competently to each fact averred herein.

6 2. Sandoz’s concurrently-filed Motions in Limine Nos. 1-3 (the “Motions”)  
7 are made following a conference of counsel pursuant to Local Rule 7-3, which took  
8 place on June 16, 2023. On that date, counsel for Sandoz conferred with counsel for  
9 Defendant Amgen Inc. Counsel for the parties discussed the substance of the Motions  
10 and any potential resolution, but were unable to reach any resolution that would  
11 eliminate the need to file any of the Motions.

12 3. Attached as **Exhibit A** are copies of relevant excerpts of the transcript of  
13 the May 5, 2023, deposition of Sandoz, pursuant to Federal Rule of Civil Procedure  
14 30(b)(6) by Paul Delo.

15 4. Attached as **Exhibit B** are copies of relevant excerpts of the transcript of  
16 the May 5, 2023, deposition of Sheila Frame.

17 5. Attached as **Exhibit C** are copies of relevant excerpts of the June 9, 2023  
18 Expert Rebuttal Report of Bradley T. Shapiro, Ph.D.

19 6. Attached as **Exhibit D** is a true and accurate copy of the article: McBride,  
20 Ali et al., “*Economic and clinical outcomes of pegfilgrastim via prefilled syringe vs on-*  
21 *body injector: a real-world data analysis*,” J Manag Care Spec Pharm, September 2021;  
22 27(9):1230-38.

23 7. Attached as **Exhibit E** is a true and accurate copy of an August 17, 2020  
24 letter from Sandoz to Amgen, produced in this litigation as SDZZIE-000664651.

25 8. Attached as **Exhibit F** are copies of relevant excerpts of the May 10, 2023  
26 Opening Expert Report of Robert D. Gibbons, Ph.D.

27 9. Attached as **Exhibit G** are copies of relevant excerpts of the June 9, 2023  
28 Expert Rebuttal Report of Robert Makuch, Ph.D.

1           10. Attached as **Exhibit H** is a true and accurate copy of “Workpaper 1” to Dr.  
2 Gibbons’ Opening Expert Report, which contains calculations used in that report.

3           11. Attached as **Exhibit I** is a true and accurate copy of “Workpaper 2” to Dr.  
4 Gibbons’ Opening Expert Report, which contains calculations used in that report.

5           12. Attached as **Exhibit J** is a true and accurate copy of the article: Chang,  
6 Yaping et al., “*The 5 min meta-analysis: understanding how to read and interpret a*  
7 *forest plot*,” *Eye*, 2022; 36:673-675.

8           13. Attached as **Exhibit K** is a true and accurate copy of excerpts of the text:  
9 *Cochrane Handbook for Systematic Reviews of Interventions* Version 5.1.0, ed. Julian  
10 P.T. Higgins and Sally Green (2011).

11           14. Attached as **Exhibit L** is a true and accurate copy of the article: Senn,  
12 Stephen, “*Overstating the evidence – double counting in meta-analysis and related*  
13 *problems*,” *BMC Medical Research Methodology* 2009: 9-10.

14           15. Attached as **Exhibit M** is a true and accurate copy of email  
15 correspondence, which was produced in this litigation as AMG10939-0000012895.

16           16. Attached as **Exhibit N** is a true and accurate copy of a document produced  
17 in this litigation as AMG10939-0000012900.

18           17. Attached as **Exhibit O** is a true and accurate copy of May 30, 2023 email  
19 correspondence between counsel for the parties, bearing the subject line “Sandoz Inc.  
20 v. Amgen Inc., 2:22-cv-05326-RGK-MAR (C.D. Cal.).”  
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1 I declare under the penalty of perjury and the laws of the United States that the  
2 foregoing is true and correct this 23rd day of June, 2023, in Los Angeles, California.

3  
4 Dated: June 23, 2023

**ALSTON & BIRD LLP**

5  
6 By: /s/ Todd Benoff  
Todd Benoff

7 Attorney for Plaintiff  
8 SANDOZ INC.  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **OMNIBUS DECLARATION OF TODD BENOFF IN SUPPORT OF SANDOZ INC.’S MOTIONS IN LIMINE** was electronically filed using the Court’s CM/ECF system, which will transmit Notices of Electronic Filing to all counsel of record.

This 23rd day of June, 2023

/s/ Todd Benoff  
Todd Benoff

*Counsel for Plaintiff Sandoz Inc.*